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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,936	02/27/2004	Michael D. Chamberlain	PCCR122364	9541

26389 7590 06/02/2005

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EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,936

Applicant(s)

CHAMBERLAIN, MICHAEL D.

Examiner

Hilary Gutman

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b)

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 12, 13, 29, 30, 33 and 36 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6-11, 15-28, 31, 32, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/25/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species A in the reply filed on 4/18/05 is acknowledged.
2. Claim 14 is hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/18/05.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plunger coupled to the carrier and the aperture disposed in the support of claims 6 and 21; the cable assembly of claims 11 and 26; the user of claims 15 and 36; and the cable assemblies of claim 36 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

Art Unit: 3612

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1, 13, 15, 17, 28-29, and 35 are objected to because of the following informalities:

In claim 1, line 4, "an" should be "the".

In claim 13, line 8, "respectively" should perhaps be added after "followers".

In claim 15, line 3, a comma should be inserted after "surface".

In claim 15, line 6, "an electronic device" should be "the electronic device".

In claim 17, line 10, "respectively" should be inserted after "followers".

In claim 28, line 8, "respectively" should be inserted after "followers".

In claim 29, line 4, "an electronic device" should be "the electronic device".

In claim 35, line 1, "an average" should be "a first average".

In claim 35, line 2, "an average" should be "a second average".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5, 12-13, 29-30, 33, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Bieri.

Bieri (6,042,168) discloses an instrument mounting vehicle, the instrument mounting assembly comprising: (a) a carrier 3 adapted to be coupled to the vehicle; (b) a support 1 coupled to the carrier, the support 1 adapted to support an instrument; (c) a first track 18 disposed on the carrier; (d) a first follower 21 disposed on the support for interfacing with the first track; (e) a second track 19 disposed on the support; (f) a second follower 22 disposed on the carrier for interfacing with the second track; and (g) wherein the support is movable relative to the carrier so that the support may be transitioned from a stowed position to an extended position, wherein the first and second followers interface with the first and second tracks causing the support to be both linearly displaced and rotated while the support is transitioned from the stowed to the extended position (Figures 1-2).

With regard to claim 5, when the support is in the stowed position (Figure 1), the support and the carrier are in a substantially nested relationship relative to one another and when the support is in the extended position (Figure 2), a majority of the support extends outward from the carrier.

With regard to claim 12, further including a limit stop 20, 25 (and corresponding members 21, 22) disposed on each of the carrier and the support wherein when the support is in the extended position, the limit stops engage one another to impede further rotation of the support.

With regard to claim 13, further including: (a) a third track 18 (not specifically shown but on the other lateral side of the assembly, see Figure 3) disposed on the carrier; (b) a third

follower 21 disposed on the support for interfacing with the third track; (c) a fourth track 19 disposed on the support; (d) a fourth follower 22 disposed on the carrier for interfacing with the fourth track; and (e) wherein the first, second, third, and fourth followers interface with the first, second, third, and fourth tracks causing the support to be both linearly displaced and rotated while the support is transitioned from the stowed to the extended position.

For claim 29, Bieri discloses an instrument mounting assembly for mounting an electronic device to a vehicle, the electronic device inherently having a front face, the instrument mounting assembly comprising: (a) a support 1 for supporting an electronic device, the support having a front portion; and (b) a coupling assembly 6 for movably coupling the support to the vehicle such that the support may be selectively moved between a stowed position (Figure 1) and an extended position (Figure 2), the coupling assembly having a rear guide assembly (or rear segment of the rails 18 and 19) for guiding a rear portion of the support in a first (linear) path and a front guide assembly (or a front segment of rails 18 and 19) for guiding a second portion of the support in a second path, wherein when the support is transitioned from the stowed to the extended position, the front portion of the support moves in a predetermined path resulting from the movement of the rear and second portions of the support along the first and second paths, and wherein the predetermined path has at least an arcuate portion such that the support is rotated when transitioned to the extended position.

With regard to claim 30, the first path is substantially linear.

With regard to claim 33, the predetermined path is substantially linear as the support initially moves from the stowed position and transitions after a selected amount of travel of the support to an arcuate path.

For claim 36, Bieri discloses an instrument mounting assembly for removably mounting an electronic device to a vehicle having an instrument panel, the instrument mounting assembly comprising: (a) a support 1 for supporting the electronic device; and (b) a coupling assembly 6 for movably coupling the support to the vehicle such that the support may be selectively moved to place the electronic device between a stored position (Figure 1) in which the electronic device is disposed substantially behind the instrument panel and an extended position (Figure 2) in which the coupling assembly holds the support a selected distance outward of the instrument panel and inclined at a predetermined angle relative to the stowed position such that a user may manually access the electronic device to disconnect any cable assemblies coupled thereto while the electronic device is supported by the support.

Allowable Subject Matter

7. Claims 2-4, 6-11, 31-32, and 34-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 15-28 are objected to as containing a minor informality but would be allowable if rewritten to overcome this informality.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3612

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents


Washington, D.C. 20231

or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label

 "PROPOSED" or "DRAFT").
Hilary Gutman
May 24, 2005